

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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NO. **C 07-0094** CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

RODNEY W. GREISING,

Plaintiff,

v.

King County Superior Court  
Cause No.: 06-2-39725-8SEA

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C.  
§1441(b)  
(FEDERAL QUESTION)**

OFFICER WILLIAM ASKEW, a Seattle Police Officer, in his individual and official capacity; OFFICER DANIEL BENZ, a Seattle Police Officer, in his individual and official capacity; CHIEF OF POLICE GIL KERLIKOWSKE, in his individual and official capacity; JOHN and JANE DOE #1-5, supervisory Police Officers of the City of Seattle, the identity and number of whom are presently unknown, in their individual and official capacities; RICHARD and JANE ROE #1-5, municipal policymakers of the City of Seattle, the identity and number of whom are presently unknown, in their individual and official capacities; and THE CITY OF SEATTLE, a municipal corporation,

Defendants.



07-CV-00094-CMP

TO: THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

Defendants City of Seattle, Kerlikowske, Askew and Benz hereby give notice that they are removing this case to the United States District Court for the Western District of Washington on the grounds set forth below.

NOTICE OF REMOVAL OF ACTION  
TO FEDERAL COURT- 1

3019-28527

**STAFFORD FREY COOPER**

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885

SEA 6702

1           1.     On December 20, 2006, the above-entitled action was filed by plaintiff  
2 against defendants in King County Superior Court under cause number 06-2-39725-  
3 8SEA. See Exhibit 1 attached to the Verification of State Court Records.

4           2.     The matter was assigned to The Honorable Cheryl Carey and the Court  
5 issued a case scheduling order. See Exhibit 2 attached to the Verification of State  
6 Court Records.

7           3.     On or about December 21, Defendants City of Seattle and Chief R. Gil  
8 Kerlikowske were served with plaintiff's Summons and Complaint. See Exhibit 3 and  
9 Exhibit 4 attached to the Verification of State Court Records.

10          4.     On or about December 27, 2006, Defendant William Askew was served  
11 with plaintiff's Summons and Complaint. See Exhibit 5 attached to the Verification of  
12 State Court Records.

13          5.     Defendant City of Seattle filed a Notice of Appearance in King County  
14 Superior Court on or about January 4, 2007. See Exhibit 6 attached to the Verification  
15 of State Court Records.

16          6.     On or about January 8, 2007, Defendants Kerlikowske, Askew and Benz  
17 filed a Notice of Appearance in King County Superior Court. See Exhibit 7 attached to  
18 the Verification of State Court Records.

19          7.     Defendants City of Seattle, Kerlikowske, Askew and Benz are represented  
20 by Stafford Frey Cooper, P.C. and join in this removal (without waiving insufficiency of  
21 service or process of service).

22          8.     *There have been no further proceedings in this action.*  
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NOTICE OF REMOVAL OF ACTION  
TO FEDERAL COURT- 2

3019-26527

**STAFFORD FREY COOPER**

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Seattle WA 98101.1374

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1           9.     Under the express terms of the complaint, plaintiff Rodney Greising  
2 alleges Constitutional claims including claims for civil rights violations under 42 U.S.C. §  
3 1983.

4           10.    The claims for a violation of 42 U.S.C. § 1983 arise under and are  
5 controlled by the laws and the Constitution of the United States and therefore fall within  
6 the original jurisdiction of the United States District Court. See 28 U.S.C. §§ 1331,  
7 1343, & 1441(b). The entire case may be removed to the United States District Court  
8 for determination of all issues. See 28 U.S.C. § 1441(c).


9           11.    Defendants have filed this Notice of Removal within thirty days after  
10 receipt, through service or otherwise, of a copy of plaintiff's Complaint. See 28 U.S.C. §  
11 1446(b).

12           12.    This Court is the district court of the United States for the district and  
13 division embracing the place where the state court action is currently pending. See 28  
14 U.S.C. § 1441(a).

15           WHEREFORE, defendants hereby give notice that the civil action in King County  
16 Superior Court, State of Washington has been removed from that Court to the United  
17 States District Court for the Western District of Washington at Seattle.

1 DATED this 19<sup>th</sup> day of January, 2007 at Seattle, Washington.

2  
3 STAFFORD FREY COOPER  
Professional Corporation

4  
5 By:   
6 Stephen P. Larson, WSBA #4959  
7 Karen L. Cobb, WSBA #34958  
8 Attorneys for Defendants  
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NOTICE OF REMOVAL OF ACTION  
TO FEDERAL COURT- 4  
3019-28627

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101, 1374

TEL 206.623.9900 FAX 206.624.6885

Certificate of Service

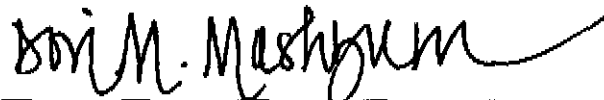
The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT** on the following individual:

John J. Kannin, WSBA# 27315  
Kannin Law Firm, PS  
18010 Southcenter Parkway  
Tukwila, WA 98188-4630  
(206) 574-0202  
FAX: (206) 574-0101  
E-Mail: [john@kanninlaw.com](mailto:john@kanninlaw.com)

*Attorney for Plaintiff Rodney Greising*

☐ Via Facsimile  
☐ Via First Class Mail  
☒ Via Messenger

DATED this 19<sup>th</sup> day of January, 2007, at Seattle, Washington.



Dori M. Mashburn  
Paralegal to Stephen Larson, Anne  
Bremner and Ted Buck

NOTICE OF REMOVAL OF ACTION  
TO FEDERAL COURT- 5  
3019-28527

**STAFFORD FREY COOPER**

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885

The Honorable Cheryl Carey

SUPERIOR COURT OF WASHINGTON  
IN AND FOR KING COUNTY

RODNEY W. GREISING,

Plaintiff,

v.

OFFICER WILLIAM ASKEW, a Seattle Police Officer, in his individual and official capacity; OFFICER DANIEL BENZ, a Seattle Police Officer, in his individual and official capacity; CHIEF OF POLICE GIL KERLIKOWSKA, in his individual and official capacity; JOHN and JANE DOE #1-5, supervisory Police Officers of the City of Seattle, the identity and number of whom are presently unknown, in their individual and official capacities; RICHARD and JANE ROE #1-5, municipal policymakers of the City of Seattle, the identity and number of whom are presently unknown, in their individual and official capacities; and THE CITY OF SEATTLE, a municipal corporation,

Defendants.

NO. 06-2-39725-8SEA

**NOTICE TO SUPERIOR COURT  
OF REMOVAL TO FEDERAL  
COURT**

**[CLERK'S ACTION REQUIRED]**

TO: The Clerk of the Above-Entitled Court;

AND TO: Rodney W. Greising, Plaintiff;

AND TO: John Kannin, Attorney for Plaintiff:

Please take notice that on the 19<sup>th</sup> day of January, 2007, defendants City of Seattle, Chief R. Gil Kerlikowske, Officer William Askew and Officer Daniel Benz filed

NOTICE TO SUPERIOR COURT OF

FEDERAL COURT REMOVAL - 1

3019-20527

**STAFFORD FREY COOPER**

PROFESSIONAL CORPORATION

801 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.8885

1 with the United States District Court for the Western District of Washington at Seattle a  
2 *Notice of Removal* of the action brought in the Superior Court of Washington for King  
3 County, Cause No. 06-2-39725-8SEA.

4 A true and correct copy of Defendants' Notice of Removal of Action is attached  
5 hereto.

6 DATED this 19<sup>th</sup> day of January, 2007 at Seattle, Washington.

7 STAFFORD FREY COOPER  
8 *Professional Corporation*

9  
10 By: 

Stephen P. Larson, WSBA #4959

Karen L. Cobb, WSBA #34958

11 Attorneys for Defendants  
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Certificate of Service

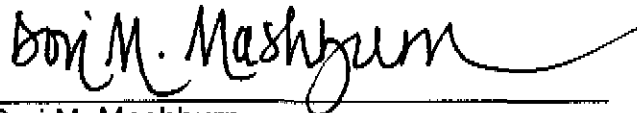
The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **NOTICE TO SUPERIOR COURT OF REMOVAL TO FEDERAL COURT** on the following individual:

John J. Kannin, WSBA# 27315  
Kannin Law Firm, PS  
18010 Southcenter Parkway  
Tukwila, WA 98188-4630  
(206) 574-0202  
FAX: (206) 574-0101  
E-Mail: [john@kanninlaw.com](mailto:john@kanninlaw.com)

*Attorney for Plaintiff Rodney Greising*

☐ Via Facsimile  
☐ Via First Class Mail  
☒ Via Messenger for Hand Delivery

DATED this 19<sup>th</sup> day of January, 2007, at Seattle, Washington.



Dori M. Mashburn  
Paralegal to Stephen Larson, Anne Bremner  
and Ted Buck